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[The signature page identifies counsel for all Defendants]

**UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA**

**IN RE AIR CRASH AT MADRID,
 SPAIN, ON AUGUST 20, 2008**

2:10-ml-02135-GAF (RZx)/
 MDL No. 2135

This Document Relates to:
 ALL CASES

**DEFENDANTS'
 NOTICE OF MOTION AND
 MOTION TO DISMISS
 (*FORUM NON CONVENIENS*)**

[Filed with Memorandum of Points and
 Authorities; Affidavit of Prof. Pablo
 Salvador-Coderch; Declarations of Thomas
 K. Dodt and Douglas E. Winter; Appendix
 of Exhibits; [Proposed] Order; and Proof of
 Service]

Date: January 10, 2011
 Time: 9:30 a.m.
 Place: Courtroom 740 (Roybal)

**TO ALL INTERESTED PARTIES AND THEIR ATTORNEYS OF
RECORD:**

PLEASE TAKE NOTICE that on January 10, 2011, at 9:30 a.m. or as soon after that as the matter may be heard, in Courtroom 740 of the United States District Court for the Central District of California, Western Division-Roybal Federal Building, located at 255 East Temple Street, Los Angeles, California 90012, Defendants The Boeing Company, McDonnell Douglas Corporation, Leach International Corporation, Esterline Technologies Corporation, Ametek, Inc., Eaton Corporation, and Honeywell International, Inc., will, and do, move the Court, the Honorable Judge Gary A. Feess presiding, pursuant to Rule 12(b)(2) of the Federal Rules of Civil Procedure, for an Order dismissing Plaintiffs' actions based on the doctrine of *forum non conveniens*.

The convenience of the parties and the courts justifies dismissal in favor of resolving this controversy in Spain because (1) Spain is an available and adequate alternative forum and (2) the balance of private and public interest factors favors dismissal. In fact, all private and public interest factors weigh strongly against litigation in this Court and favor litigation in Spain, which is the only forum in which a full and final resolution of disputed facts and claims is possible. As a condition of dismissal, all Defendants will agree to (1) submit to jurisdiction before the appropriate Court of First Instance in Spain; (2) toll any applicable Spanish statute of limitations for 120 days after dismissal by this Court; (3) make available in Spain all evidence and witnesses located in the U.S. within their possession, custody, or control that the Spanish court deems relevant; and (4) satisfy any final, post-appeal judgment awarded against them in Spain.

The Motion is based on this Notice of Motion and Motion; the Memorandum of Points and Authorities; the Affidavit of Professor Pablo Salvador-Coderch; the Declarations of Thomas K. Dodt and Douglas E. Winter; the Appendix of Exhibits; the pleadings and papers on file in this action; and such other and further evidence and argument as may be permitted before or at the hearing on the Motion.

This Motion is made following the conference of counsel pursuant to Local Rule 7-3, which took place on May 11, 2010.

Date: August 2, 2010

Respectfully submitted,

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By: /s/ Douglas E. Winter
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